

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

TENTATIVE ORDER NO. R9-2002-0115

**WASTE DISCHARGE REQUIREMENTS
for
ROBERT & ELISABETH CROUCH, TRUSTEES of
ROBERT & ELISABETH CROUCH TRUST and
MOUNTAIN MEADOW MUSHROOM, INC.**

**MOUNTAIN MEADOW MUSHROOM FARM
SAN DIEGO COUNTY**

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board) finds that:

1. Robert and Elisabeth Crouch (hereinafter discharger), Trustees of Robert and Elisabeth Crouch Trust and Mountain Meadow Mushroom, Inc. own Mountain Meadow Mushroom Farm, located in the unincorporated area of San Diego County at 26948 North Broadway, Escondido (Section 16 of T11S, R2W, SBB&M).
2. Mountain Meadow Mushroom Farm is located in the Reidy Creek Hydrologic Subarea (904.62) HSA of the Escondido Creek Hydrologic Area (904.60) HA of the Escondido Creek Watershed (904.00).
3. As part of its operation, the discharger generates waste water from composting used stable bedding, washwater from the mushroom growing houses, and spent mushroom substrate. In addition storm water runoff from the composting operation and from the spent substrate waste piles contains pollutants that would pose a threat to surface water quality.
4. The discharger proposes to implement the following water quality protection measures to minimize the threat to water quality:
 - The used stable bedding which is brought to the farm for composting is baled into 4x4x8 feet bales and covered with tarp during the rainy season to prevent pollutants from leaving the site during storm events.
 - Recycle the wash water and leachate to supply required moisture to the growing substrate.
 - Produce no more substrate than is necessary to fill the four mushroom growing rooms with substrate each week.
 - Construct an additional retention pond in the wharf area to provide containment for a 100-year intensity, 24-hour duration storm.

- Remove spent substrate from growing houses via conveyer and drop it directly into a waiting truck. Place substrate in a storage area for up to three weeks for removal by landscapers and/or homeowners.
 - Collect wash water used for cleaning the mushroom houses by gravity flow in three concrete-lined storage tanks.
 - Provide aeration facilities in surface impoundments to help with odor control.
 - Empty surface impoundments by first of September each year.
 - Use a subsurface irrigation system to apply impounded process water which is not needed for substrate production or dust control.
 - Maintain rain gutters, designed to handle 25-year, 24-hour storm, on growing house roofs to prevent this rainwater from flowing across the concrete aprons or wharf area.
 - Maintain the two culverts that divert clean stormwater runoff into the creek.
5. The Mountain Meadow Mushroom Farm is an existing facility and as such is exempt from the provisions of the California Environmental Quality Act, in accordance with Title 14, California Code of Regulations, Chapter 3, Article 18, Section 15301.
6. If the discharger complies with the provisions of this Order, discharges of waste at the facility should not adversely affect surface or ground water quality.
7. The discharge is classified as category 3 threat to water quality and category C complexity pursuant to California Code of Regulations, Title 23, Division 3, Chapter 9, Article 1, §2200.
8. The Regional Board, in establishing the requirements contained herein, considered factors including, but not limited to, the following:
- a. Beneficial uses to be protected and the water quality objectives reasonably required for that purpose;
 - b. Other waste discharges;
 - c. The need to prevent nuisance;
 - d. Past, present, and probable future beneficial uses of the hydrologic subunits under consideration;
 - e. Environmental characteristics of the hydrologic subunits under consideration;
 - f. Water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area;
 - g. Economic considerations;
 - h. The need for additional housing within the region; and
 - i. Need to develop and use recycled water.

9. The Regional Board has considered all water resource related environmental factors associated with the proposed discharge of waste. The requirements of this Order are consistent with the Basin Plan.
10. The Regional Board has notified the discharger and all known interested parties of the intent to prescribe waste discharge requirements for the proposed discharge.
11. The Regional Board in a public meeting heard and considered all comments pertaining to its proposed action.

IT IS HEREBY ORDERED, that Robert and Elisabeth Crouch, Trustees of Robert and Elisabeth Crouch Trust and Mountain Meadow Mushroom, Inc. (hereinafter discharger), in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, shall comply with the following:

A. PROHIBITIONS

1. The discharge of waste to land, except as authorized by waste discharge requirements or the terms described in California Water Code Section 13264, is prohibited.
2. The discharge of waste in a manner causing flow, ponding, or surfacing on lands not owned or under the control of the discharger is prohibited, unless the discharge is authorized by the Regional Board.
3. The discharge of any radiological, chemical or biological warfare agent into waters of the state is prohibited.
4. Neither the treatment nor the discharge of waste shall create a condition of pollution, contamination, or nuisance, as defined by Section 13050 of the California Water Code.
5. The discharge of waste in a manner other than as described in the findings of this Order is prohibited unless the discharger obtains revised waste discharge requirements that provide for the proposed change.
6. Materials other than storm water and non-stormwater discharges authorized by the County of San Diego pursuant to Order No. 2001-01 (NPDES No. CAS0108758) *Waste Discharge Requirements for Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems Draining Watersheds of the County of San Diego, The Incorporated Cities of San Diego County, and the San Diego Unified Port District* either directly or indirectly to waters of the United States are prohibited.

B. DISCHARGE SPECIFICATIONS

1. The discharger must reduce or prevent pollutants associated with Mushroom Farm in storm water discharges and authorized non-storm water discharges through development and implementation of a waste management plan that: (a) identifies and evaluates sources of pollutants associated with activities at the Mushroom Farm that may affect the quality of storm water discharges and authorized non-storm water discharges from the facility; and (b) identifies and implements site- specific best management practices (BMPs) to reduce or prevent pollutants associated with industrial activities in storm water discharges and authorized non-storm water discharges.
2. The discharge to the surface impoundments shall only consist of mushroom substrate process water, wash water and storm water runoff.
3. The discharge from Mountain Meadow Mushroom Farm shall not cause or contribute to an exceedance of the water quality objectives of the Escondido Creek Hydrologic Area.
4. The discharge of treated wastewater shall not cause a violation of the prohibitions contained in the Basin Plan.
5. Discharges of facility waste water to disposal fields or crop lands shall not result in surface runoff from disposal fields and shall be managed to minimize percolation to ground water.
6. The wastewater or waste solids disposal operation shall not cause unusual odors or other nuisance beyond the limits of the discharger's property.

C. FACILITY DESIGN AND OPERATION SPECIFICATIONS

1. PROPER OPERATION

- a. The discharger shall, at all times, properly operate and maintain all facilities and systems to achieve compliance with conditions of this Order.
- b. The discharger shall implement the operation and waste management measures described in the reports noted in Finding No. 4 of this Order or other measures proposed by the discharger which this Regional Board determines provides equivalent protection of water quality.

2. FLOOD PROTECTION

All waste treatment, containment and disposal facilities shall be protected against 100-year peak stream flows as defined by the San Diego County flood control agency.

3. RUNOFF PROTECTION

All waste treatment, containment and disposal facilities (including surface impoundments) shall be protected against erosion, overland runoff, and other impacts resulting from a 25-year frequency 24-hour storm.

4. MONITORING AND REPORTING

The discharger shall comply with the attached Monitoring and Reporting Program No. R9-2002-0115, and future revisions thereto as specified by the Regional Board. Monitoring results shall be reported at the intervals specified in Monitoring and Reporting Program No. R9-2002-0115.

5. FREEBOARD

The discharger shall maintain a minimum of one foot of freeboard in all surface impoundments at all times.

6. CERTIFICATION REPORT

By September 1, 2002, the discharger shall submit a report, prepared and signed by either a representative of the Natural Resource Conservation Service or a California registered civil engineer, certifying that Mountain Meadow Mushroom Farm has adequate structural best management measures including runoff containment capacity to achieve compliance with this Order.

D. STANDARD PROVISIONS

1. DUTY TO COMPLY

The discharger must comply with all conditions of this Order. Any noncompliance with this Order constitutes a violation of the California Water Code and is grounds for (a) enforcement action; (b) termination, revocation and reissuance, or modification of this Order; or (c) the denial of a report of waste discharge in application for new or revised waste discharge requirements.

2. ENTRY AND INSPECTION

The discharger shall allow the Regional Board, or an authorized representative upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the discharger's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Order;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order;

- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and
- d. Sample or monitor at reasonable times, for the purposes of assuring compliance with this Order or as otherwise authorized by the California Water Code, any substances or parameters at any location.

3. CIVIL MONETARY REMEDIES

The California Water Code Section 13350 provides that any person who intentionally or negligently violates any waste discharge requirements issued, reissued, or amended by this Regional Board is subject to a civil monetary remedy of up to 20 dollars per gallon of waste discharged or, if a cleanup and abatement order is issued, up to 15,000 dollars per day of violation or some combination thereof.

4. PENALTIES FOR INVESTIGATION, MONITORING OR INSPECTION VIOLATIONS

The California Water Code Section 13268 provides that any person failing or refusing to furnish technical or monitoring program reports, as required under this Order, or falsifying any information provided in the monitoring reports is guilty of a misdemeanor and is subject to a civil liability of up to 5,000 dollars for each day in which the violation occurs.

5. ENDANGERMENT OF HEALTH AND ENVIRONMENT

The discharger shall report any noncompliance which may endanger health or the environment. Pursuant to Section 5411.5 of the California Health and Safety Code, any sewage overflow or spill shall be immediately reported to the Director of Environmental Health. In addition, any such information shall be provided orally to the Regional Board within 24 hours from the time that the discharger becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the discharger becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Regional Board, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours. The following occurrence(s) must be reported to the Regional Board within 24 hours:

- a. Any bypass from any portion of the facility,
- b. Any discharge of treated or untreated wastewater resulting from pipeline breaks, obstruction, surcharge or any other circumstances,

6. CORRECTIVE ACTION

The discharger shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this Order, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the noncompliance.

7. TREATMENT FAILURE

In an enforcement action, it shall not be a defense for the discharger that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this Order. Upon reduction, loss, or failure of the treatment facility, the discharger shall, to the extent necessary to maintain compliance with this Order, control production or all discharges, or both, until the facility is restored or an alternative method of treatment is provided. This provision applies for example, when the primary source of power of the treatment facility has failed, reduced, or lost.

8. HAZARDOUS RELEASES

Except for a discharge which is in compliance with these waste discharge requirements, any person who, without regard to intent or negligence, causes or permits any hazardous substance or sewage to be discharged in or on any waters of the State, shall as soon as (a) that person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State toxic disaster contingency plan adopted pursuant to Article 3.7 (commencing with Section 8574.7) of Chapter 7 of Division 1 of Title 2 of the Government Code, and immediately notify the State Board or the appropriate Regional Board of the discharge. This provision does not require reporting of any discharge of less than a reportable quantity as provided for under subdivisions (f) and (g) of Section 13271 of the Water Code unless the discharger is in violation of a prohibition in the applicable Water Quality Control Plan.

9. PETROLEUM RELEASES

Except for a discharge which is in compliance with these waste discharge requirements, any person who without regard to intent or negligence, causes or permits any oil or petroleum product to be discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any water of the state, shall as soon as (a) such person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State oil spill contingency plan adopted pursuant to Article 3.5 (commencing with Section 8574.1) of Chapter 7 of Division 1 of Title 2 of the Government Code. This requirement does not require reporting of any discharge of

less than 42 gallons unless the discharge is also required to be reported pursuant to Section 311 of the Clean Water Act or the discharge is in violation of a prohibition in the applicable Water Quality Control Plan.

E. REPORTING AND RECORD KEEPING REQUIREMENTS

1. PERMIT REPOSITORY

A copy of this Order shall be maintained at Mountain Meadow Mushroom Farm and shall be made available to operating personnel at all times.

2. RETENTION OF RECORDS

The discharger shall retain records of all monitoring information, including all calibration and maintenance records, copies of all reports required by this Order, and records of all data used to complete the application for this Order. Records shall be maintained for a minimum of five years from the date of the sample, measurement, report, or application. This period may be extended during the course of any unresolved litigation regarding this discharge or when requested by the Regional Board.

3. GENERAL REPORTING REQUIREMENT

The discharger shall furnish to the Regional Board, within a reasonable time, any information which the Regional Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order. The discharger shall also furnish to the Regional Board, upon request, copies of records required to be kept by this Order.

4. PERMIT REVISION

This Order may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:

- a. Violation of any terms or conditions of this Order;
- b. Obtaining this Order by misrepresentation or failure to disclose fully all relevant facts; or
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

The filing of a request by the discharger for the modification, revocation and reissuance, or termination of this Order, or notification of planned changes or anticipated noncompliance does not stay any conditions of this Order.

5. CHANGE IN DISCHARGE

The discharger shall file a new Report of Waste Discharge at least 120 days prior to the following:

- a. Addition of a major industrial waste discharge to a discharge of essentially domestic sewage, or the addition of a new process of product by an industrial facility resulting in a change in the character of the wastes.
- b. Significant change in the treatment or disposal method (e.g., change in the method of treatment which would significantly alter the nature of the waste.)
- c. Change in the disposal area from that described in the findings of this Order.
- d. Increase in the number of facilities beyond that specified in this Order.
- e. Other circumstances which result in a material change in character, amount, or location of the waste discharge.
- f. Any planned change in the regulated facility or activity which may result in noncompliance with this Order.

6. CHANGE OF OWNERSHIP

This Order is not transferable to any person except after notice to the Regional Board. The Regional Board may require modification or revocation and reissuance of this Order to change the name of the discharger and incorporate such other requirements as may be necessary under the California Water Code. The discharger shall submit notice to the Regional Board of any proposed transfer of this Order's responsibility and coverage to a new discharger in writing at least 30 days in advance of any proposed transfer. The notice must include a written agreement between the existing and new discharger containing a specific date for the transfer of this Order's responsibility. This agreement shall include an acknowledgment that the existing discharger is liable for violations up to the transfer date and that the new discharger is liable from the transfer date on.

7. INCOMPLETE REPORTS

Where the discharger becomes aware that it failed to submit any relevant facts in a Report of Waste Discharge or submitted incorrect information in a Report of Waste Discharge or in any report to the Regional Board, it shall promptly submit such facts or information.

8. REPORT DECLARATION

All applications, reports, or information submitted to the Regional Board shall be signed and certified as follows:

- a. The Report of Waste Discharge shall be signed as follows:
 - (1) For a corporation - by a principal executive officer of at least the level of vice-president.
 - (2) For a partnership or sole proprietorship - by a general partner or the proprietor, respectively.
 - (3) For a municipality, state, federal or other public agency - by either a principal executive officer or ranking elected official.
- b. All other reports required by this Order and other information required by the Regional Board shall be signed by a person designated in paragraph (a) of this provision, or by a duly authorized representative of that person. An individual is a duly authorized representative only if:
 - (1) The authorization is made in writing by a person described in paragraph (a) of this provision;
 - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity; and
 - (3) The written authorization is submitted to the Regional Board.
- c. Any person signing a document under this Section shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

9. REGIONAL BOARD ADDRESS

The discharger shall submit reports required under this Order, or other information required by the Regional Board, to:

Northern Watershed Protection Unit
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court., Suite 100
San Diego, California 92123-4340

F. NOTIFICATIONS

1. VESTED RIGHTS

This Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, nor protect the discharger from liability under federal, state or local laws, nor create a vested right for the discharger to continue the waste discharge.

2. SEVERABILITY

The provisions of this Order are severable, and if any provision of this Order, or the application of any provision of this Order to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Order, shall not be affected thereby.

3. EFFECTIVE DATE

This Order shall become effective upon the date of its adoption.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on May 8, 2002.

TENTATIVE
JOHN H. ROBERTUS
Executive Officer

JHR:rwm

File: 08-000954.02